

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RINKER, *et al.*

Serial No.: 10/825,344

Art Unit: 1795

Examiner: Akram, Imran

Filed: April 15, 2004

For: FILTERED WATER ENHANCEMENTS

AMENDMENT & RESPONSE TO THE OFFICE ACTION WITH RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed on December 10, 2007, please enter the following amendments and remarks.

Amendments to the Claims are reflected in the listing of claims which begins on Page **2** of this paper.

Remarks/Arguments begin on Page **13** of this paper.

CLAIM AMENDMENTS

WE CLAIM:

1. (Currently amended) A system for enhancing water, comprising:
 - a housing including a source water container having an inlet and a treated water container having an outlet;
 - source water capable of being in fluid communication with the inlet and the outlet;
 - a filter component within the housing, the filter component containing water treatment material, and the filter component capable of having fluid communication with the inlet;
 - a fluid path within the water treatment material wherein the source water can flow along the fluid path and be treated by the water treatment material, thereby converting the source water to treated water, the treated water capable of being in fluid communication with the outlet; and
 - a first enhancement module disposed outside the housing adjacent ~~at~~ the outlet such that the first enhancement module is downstream and spaced apart from the filter, and said first enhancement module is capable of dispensing a first enhancement into a stream of treated water upon exiting the outlet;
 - a first consumer control, whereby a consumer can regulate an amount of the first enhancement that is dispensed into the outlet; andwherein water flow in the system is driven solely by a force selected from the group consisting of gravity, pressure from a source water line, pressure from a hand pump, and combinations thereof.

2. (Canceled)

3. (Original) The system of Claim 1 wherein the system is a gravity flow system selected from the group consisting of stand-alone filtration pitchers, countertop systems, water dispensers, and portable water bottles.

4. (Original) The system of Claim 1 wherein the water treatment material is selected from the group consisting of activated carbon, carbonized synthetic materials, hydrophobic polymeric adsorbents, activated alumina, activated bauxite, fuller's earth, diatomaceous earth, silica gel, calcium sulfate, zeolite particles, inert particles, sand, surface charge-modified particles, ceramic particles, metal oxides, metal hydroxides, and combinations thereof.

5. (Original) The system of Claim 1, further comprising a valve adjacent the outlet, the valve capable of preventing enhanced water from flowing from the outlet toward the filter component.

6. (Original) The system of Claim 1, further comprising a chamber as a component of the outlet whereby the treated water and the first enhancement can be mixed together in the chamber before exiting the system.

7. (Original) The system of Claim 6 wherein the chamber comprises an agitation tool to augment mixing of the treated water and the first enhancement.

8. (Original) The system of Claim 7 wherein the agitation tool is selected from the group consisting of rotors, baffles, screws, and augers.

9. (Previously presented) The system of Claim 1 wherein the first enhancement is selected from the group consisting of flavorings, dyes, minerals, vitamins, herbal supplements, nutritional supplements, phytonutrients, probiotics, homeopathic remedies, amino acids, enzymes, hormones, standard prescription medications, over-the-counter medications, and combinations thereof.

10. (Canceled)

11. (Original) The system of Claim 1, further comprising a second enhancement module adjoining the outlet and capable of dispensing a second enhancement into the treated water as the treated water flows through the outlet.

12. (Original) The system of Claim 11, further comprising a second consumer control, whereby a consumer can regulate an amount of the second enhancement that is dispensed into the outlet.

13. (Original) The system of Claim 1 wherein the source water and the treated water are maintained at pressures less than about 125 psi throughout the system.

14. (Original) The system of Claim 13 wherein the source water and the treated water are maintained at pressures less than about 100 psi throughout the system.

15. (Currently amended) A system for enhancing water, comprising:

a housing including a source water container having an inlet and a treated water container having an outlet;

source water capable of being in fluid communication with the inlet and the outlet;

a filter component within the housing, the filter component containing water treatment material, and the filter component capable of having fluid communication with the inlet;

a fluid path within the water treatment material wherein the source water can flow along the fluid path and be treated by the water treatment material, thereby converting the source water to treated water, the treated water capable of being in fluid communication with the outlet; and

a first enhancement module disposed outside the housing adjacent ~~at~~ the outlet such that the first enhancement module is downstream and spaced apart from the filter,

and said first enhancement module is capable of dispensing a first enhancement into a stream of treated water upon exiting the outlet;

a first consumer control, whereby a consumer can regulate an amount of the first enhancement that is dispensed into the outlet;

wherein said housing is free of a mixing chamber; and

wherein the system contains no electrically powered water pumps.

16. (Original) The system of Claim 15, further comprising a valve adjacent the outlet, the valve capable of preventing enhanced water from flowing from the outlet toward the filter component.

17. (Original) The system of Claim 15, further comprising a chamber as a component of the outlet wherein the treated water and the first enhancement can be mixed together in the chamber before exiting the system.

18. (Currently amended) A system for enhancing water, comprising:

a housing including a source water container having an inlet and a treated water container having an outlet;

source water capable of being in fluid communication with the inlet and the outlet;

a filter component within the housing, the filter component containing water treatment material and the filter component capable of having fluid communication with the source water;

a fluid path within the water treatment material wherein the source water can flow along the fluid path and be treated by the water treatment material, thereby converting the source water to treated water, the treated water capable of being in fluid communication with the outlet; and

a first enhancement module disposed outside the housing adjacent ~~at~~ the outlet such that the first enhancement module is downstream and spaced apart from the filter,

and said first enhancement module is capable of dispensing a first enhancement into a stream of treated water upon exiting the outlet;

a first consumer control, whereby a consumer can regulate an amount of the first enhancement that is dispensed into the outlet;

wherein said housing is free of a mixing chamber; and

wherein the source water and the treated water are maintained at pressures less than about 125 psi throughout the system.

19. (Original) The system of Claim 18 wherein the source water and the treated water are maintained at pressures less than about 100 psi throughout the system.

20. (Original) The system of Claim 18, further comprising a valve adjacent the outlet, the valve capable of preventing enhanced water from flowing from the outlet toward the filter component.

21. (Original) The system of Claim 18, further comprising a chamber as a component of the outlet wherein the treated water and the first enhancement can be mixed together in the chamber before exiting the system.

22. (Withdrawn) A water enhancement device, comprising:

a housing having an inlet and an outlet;

a filter component within the housing, the filter component containing water treatment material comprising activated carbon, the filter component capable of having fluid communication with both the inlet and the outlet; and

a first enhancement module adjoining the outlet and capable of dispensing a first enhancement into the outlet;

wherein water flow through the device is driven solely by a force selected from the group consisting of gravity, pressure from a source water line, a hand pump and combinations thereof.

23. (Withdrawn) A water enhancement device, comprising:

a housing having an inlet and an outlet;

a filter component within the housing, the filter component containing water treatment material comprising activated carbon, the filter component capable of having fluid communication with both the inlet and the outlet; and

a first enhancement module adjoining the outlet and capable of dispensing a first enhancement into the outlet;

wherein the device contains no electrically powered water pumps.

24. (Withdrawn) The device of Claim 23 wherein the enhancement is selected from the group consisting of flavorings, dyes, minerals, vitamins, herbal supplements, nutritional supplements, phytonutrients, probiotics, homeopathic remedies, amino acids, enzymes, hormones, standard prescription medications, and over-the-counter medications, and combinations thereof.

25. (Withdrawn) The device of Claim 23, further comprising a first consumer control, whereby a consumer can control a dose of the first enhancement that is added to the outlet.

26. (Withdrawn) The device of Claim 25 wherein the first consumer control activates a dispensing mechanism.

27. (Withdrawn) The device of Claim 26 wherein, upon activation, the dispensing mechanism automatically dispenses a preset dose of the first enhancement.

28. (Withdrawn) The device of Claim 23 further comprising a second enhancement module adjoining the outlet and capable of dispensing a second enhancement into the outlet.

29. (Withdrawn) An enhancement module for a water enhancement system, comprising:

a reservoir capable of containing an enhancement material;

an attachment portion adapted for attaching the module to the water enhancement system adjacent an outlet of the water enhancement system;

a consumer control in communication with the reservoir, the consumer control capable of activating a mechanism to release at least a portion of the enhancement material from the reservoir to the dispensing unit; and

a dispensing unit in communication with the reservoir, the dispensing unit capable of supplying a selected amount of enhancement material to the outlet of the water enhancement system.

30. (Withdrawn) The module of Claim 29 wherein the enhancement material is selected from the group consisting of flavorings, dyes, minerals, vitamins, herbal supplements, nutritional supplements, phytonutrients, probiotics, homeopathic remedies, amino acids, enzymes, hormones, standard prescription medications, and over-the-counter medications, and combinations thereof.

31. (Withdrawn) The module of Claim 29 wherein the form of the enhancement material is selected from the group consisting of liquids, powders, microcapsules, nanocapsules, nebulized nanoparticles, nanoemulsions, micelles, gases, and combinations thereof.

32. (Withdrawn) The module of Claim 29 wherein the reservoir can be filled with enhancement material multiple times.

33. (Withdrawn) The module of Claim 29 wherein the consumer control is selected from the group consisting of buttons, knobs, dials, levers, airbladders, slides, catches, wheels, and combinations thereof.

34. (Withdrawn) The module of Claim 29 wherein the portion of the enhancement material comprises a measured dose.

35. (Withdrawn) An enhancement module for a water enhancement system, comprising:

- a) a disposable cartridge, the disposable cartridge comprising:
 - a reservoir capable of containing an enhancement material; and
 - an attachment portion adapted for removably attaching the cartridge adjacent an outlet of the water enhancement system;
- b) a dispensing unit capable of connecting to the reservoir in the disposable cartridge, the dispensing unit supplying a conduit for movement of enhancement material from the reservoir to an outlet of the water enhancement system; and
- c) a consumer control capable of activating release of at least a portion of the enhancement material from the reservoir in the disposable cartridge to the dispensing unit.

36. (Withdrawn) An enhancement module for a water enhancement system, comprising:

- a) a disposable cartridge, the disposable cartridge comprising:
 - a reservoir capable of containing an enhancement material;
 - an attachment portion adapted for removably attaching the cartridge adjacent an outlet of the water enhancement system; and
 - a consumer control capable of activating release of at least a portion of the enhancement material from the reservoir; and
- b) a dispensing unit capable of connecting to the reservoir in the disposable cartridge, the dispensing unit capable of supplying a conduit for movement of enhancement material from the reservoir to an outlet of the water enhancement system.

37. (Withdrawn) An enhancement module for a water enhancement system, comprising:

- a) a disposable cartridge, the disposable cartridge comprising:
 - a reservoir capable of containing an enhancement material;

an attachment portion adapted for removably attaching the cartridge adjacent an outlet of the water enhancement system; and

a dispensing unit connected to the reservoir, the dispensing unit supplying a conduit for movement of enhancement material out of the reservoir; and

b) a consumer control capable of activating release of at least a portion of the enhancement material from the reservoir in the disposable cartridge to the dispensing unit in the disposable cartridge.

38. (Withdrawn) An enhancement module for a water enhancement system, comprising:

a disposable cartridge, the disposable cartridge comprising:

a reservoir capable of containing an enhancement material;

an attachment portion adapted for removably attaching the cartridge adjacent an outlet of the water enhancement system;

a dispensing unit connected to the reservoir, the dispensing unit supplying a conduit for movement of enhancement material out of the reservoir; and

a consumer control capable of activating release of at least a portion of the enhancement material from the reservoir to the dispensing unit.

39. (Withdrawn) A method of mixing an enhanced water beverage, comprising:

providing a water enhancement system containing an inlet, an outlet, a water filter component and no electric water pump;

supplying source water to the inlet;

percolating the source water through the water filter component, thus forming treated water;

dispensing an enhancement material into the outlet; and

flowing the treated water through the outlet, thus forming an enhanced water beverage in the outlet.

40. (Withdrawn) The method of Claim 39 wherein providing source water comprises turning on a water faucet.

41. (Withdrawn) The method of Claim 39 wherein providing source water comprises allowing source water to flow from a source water container.

42. (Withdrawn) The method of Claim 39 wherein percolating the source water through the water filter component comprises allowing the source water to pass through a water treatment material that contains activated carbon.

43. (Withdrawn) The method of Claim 39 wherein dispensing the enhancement comprises releasing an enhancement material from an enhancement module, the module adjacent the outlet.

44. (Withdrawn) The method of Claim 39 wherein dispensing the enhancement material comprises activating a consumer control to provide a measured portion of the enhancement material to the outlet.

45. (Withdrawn) The method of Claim 39 further comprising holding the treated water in a treated water container after percolating and before flowing.

46. (Withdrawn) The method of Claim 45 wherein flowing the treated water comprises adjusting the position of the water enhancement system to allow the treated water to pour out through the outlet.

47. (New) The system of claim 1, wherein said housing is free of a mixing chamber.

48. (New) A gravity-flow water enhancement system, comprising:
a housing including a source water container having an inlet for receiving source water and a treated water container for storing treated water;

a filter component within the housing and in fluid communication with both the source water container and the treated water container, wherein source water introduced to the source water container is converted into treated water as it flows through the filter component under the influence of gravity;

the housing further including an outlet in fluid communication with the treated water container for outflow of a stream of treated water; and

a first enhancement module disposed outside the housing adjacent the outlet, the first enhancement module being effective to dispense a desired amount of a first enhancement into an outflow stream of treated water.

49. (New) The system of claim 48 further comprising a first consumer control, whereby a consumer can regulate an amount of the first enhancement that is dispensed into the outlet.

50. (New) The system of claim 49, wherein the housing is free of a mixing chamber.

REMARKS/ARGUMENTS

A. Interview Summary Record

Applicants respectfully thank Examiner Imran Akram and Supervisory Primary Examiner Alexa Neckel for the telephonic interview on February 5, 2008 with Applicants' representatives, Thomas Feix and Alok Goel. During the interview, the prior art of record and proposed claim amendments were discussed. The examiners general observation that recitation of additional structure would be helpful to distinguish over the cited references, provided support could be shown, is noted and appreciated. While no agreement was reached with respect to allowable subject matter, Applicants' representatives thought the discussion was helpful.

B. Status of the Claims

Claims 1-46 were originally filed. Claims 1-46 were subject to a Restriction Requirement. Claims 1-21 were elected for prosecution on the merits. Therefore, claims 22-46 have been withdrawn. Claims 1-21 are rejected. Applicants have added new claims 47-50.

First, Applicants have amended claims 1, 15 and 18 to recite a housing including a source water container having an inlet and a treated water container having an outlet. Support for the amendment can be found, for example, in FIG. 2 and paragraphs [0041] and [0042] of the published application.

Second, Applicants have amended claims 1, 15 and 18 to recite the first enhancement module is disposed outside the housing adjacent the outlet. Support for the amendment can be found, for example, in FIG. 2 and paragraphs [0041] and [0042] of the published application.

Third, Applicants have amended claims 1, 15 and 18 to clarify recite that the first enhancement module is capable of dispensing a first enhancement into a stream of treated water upon exiting the outlet. Support for the amendment can be found, for example, in FIG. 2 and paragraphs [0041] and [0042] of the published application.

Fourth, Applicants have incorporated claim 10 into independent claims 1, 15 and 18. Therefore, claim 10 is canceled without prejudice.

Fifth, Applicants have canceled 2 without prejudice.

Sixth, Applicants have amended claims 15 and 18 and added new claim 47 to recite wherein said housing is free of a mixing chamber. Support for this amendment can be found, for example, in FIGs. 1 and 2 and paragraph [0039] of the published application. Fig. 2 of Applicants' published application clearly does not have a mixing chamber in the housing. Additionally, there is support for embodiments of Applicants' invention not to include a mixing chamber (See first line of paragraph [0039]-"In some arrangements, the outlet 115 can include a mixing chamber (not shown)..."(Underline added for emphasis); Therefore, in some arrangements of Applicants' invention, a mixing chamber is not used).

Seventh, Applicants have added new claims 48-50. Claims 48-50 are directed to a specific embodiment of claims 1-21 (i.e., a gravity-flow water enhancement system) and are readable on claims 1-21. Support for the new claims can be found, for example, in FIG. 2, paragraphs [0028], [0039], [0041] and [0042] of the published application.

No new matter is added and the amendments are fully supported by the specification.

C. Response to Arguments

In the "Response to Arguments" section of the Office Action mailed December 10, 2008, the Office Action states that there is neither an obvious nor an explicitly mentioned advantage to spacing apart the filter from the enhancement module. Applicants respectfully disagree. Applicants contend that spacing apart the enhancement module from the filter and moving it further downstream and outside the housing provides benefits related to efficiency of use and potency. For example, since the treated water is enhanced outside of the housing, there is no waste or potency loss associated with enhanced treated water that would otherwise remain in a treated water container or reservoir of the housing. This point is noted, for example, in paragraph [0033] of Applicants' published application which states, "The enhancements can lose their potency or they lose their effectiveness altogether. If the enhanced water is ingested soon after the enhancement is added, benefits from the enhancement can be realized without concern about degradation."

D. Under 35 U.S.C. § 102(a)

Over Nohren

Claims 1-7, 9 and 15-17 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Nohren *et al.* (U.S. Pat. 6,569,329) (“Nohren”). The Examiner has cited this reference because it discloses a system for enhancing water. Applicants respectfully traverse. Applicants submit that Nohren is missing at least two elements which are present in Applicants’ currently pending claims.

To render a claim unpatentable as anticipated, the prior art reference must teach each and every element of the claim. See, e.g., M.P.E.P. 2131.

First, Applicants have amended claims 1, 15 and 18 to clarify and recite a housing including a source water container having an inlet and a treated water container having an outlet for the sole purpose of expediting prosecution. Applicants’ claimed invention further recites a first enhancement module outside the housing adjacent the outlet. See FIG. 2. In contrast, Nohren discloses in FIG. 8 that its housing includes a source water container having an inlet, a treated water container having an outlet and a first enhancement module (element 36). Enhancement module 36 is disposed within the housing of Nohren. Since Nohren is missing this element of Applicants’ invention, an anticipation rejection cannot be maintained.

Second, Applicants have amended independent claims 1, 15 and 18 to incorporate dependent claim 10 for the sole purpose of expediting prosecution. In contrast, Nohren fails to disclose a first consumer control, whereby a consumer can regulate an amount of the first enhancement that is dispensed into the outlet. Since Nohren is missing this element of Applicants’ invention, an anticipation rejection cannot be maintained.

Third, Applicants have amended claims 15-18 to recite that the housing is free of a mixing chamber. In contrast, Nohren discloses a housing comprising a mixing chamber (See element 42 of FIG. 8) for the sole purpose of expediting prosecution. Since, Nohren is missing this element of Applicants’ invention, an anticipation rejection cannot be maintained.

Therefore, Applicants respectfully request that this rejection be withdrawn.

E. Under 35 U.S.C. § 103(a)

Over Sizelove in view of Nohren, Nohren in view of Kagan, Nohren in view of Corder, Sizelove in view of Nohren further in view of Kagan, and Nohren in view of Sizelove

Claims 1, 8, 10, 11, 12, 13, 14, 18, 19, 20 and 21 are rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over Sizelove *et al.* (U.S. Pat. Pub. 2003/0042201)(“Sizelove”) in view of Nohren, Nohren in view of Kagan *et al.* (U.S. Pat. No. 5,922,378)(“Kagan”), Nohren in view of Corder (U.S. Pat. No. 4,172,796), Sizelove in view of Nohren further in view of Kagan and Nohren in view of Sizelove. Applicants respectfully traverse. Applicants submit that the references are missing at least one element which is present Applicants’ currently pending claims.

In order to establish a *prima facie* case of obviousness, the Examiner must demonstrate that 1) the references teach all the claimed elements; 2) there is a suggestion or motivation in the prior art to modify or combine the reference teachings; and 3) there is a reasonable expectation of success. MPEP § 2143; *In re Vaeck* 20 USPQ2d 1438 (Fed. Cir. 1991). For the reasons described below, the cited references fail to establish a *prima facie* case of obviousness and Applicants respectfully traverse.

(1) Sizelove, Kagan, Nohren and Corder all fail to teach all of the elements

First, Applicants have amended claims 1, 15 and 18 to clarify and recite a housing that includes a source water container having an inlet and a treated water container having an outlet for the sole purpose of expediting prosecution. Additionally, Applicants’ claimed invention recites a first enhancement module outside the housing adjacent the outlet. In contrast, Nohren (element 36 of FIG. 8), Kagan (element 34 of FIGs. 1-3), Sizelove (“The BA housing terminates in an outlet 250”-See last line of paragraph [0062] and FIG. 3) and Corder (no enhancement module at all) all fail to teach that a first enhancement module is disposed outside the housing adjacent the outlet.

Second, Applicants have amended independent claims 15 and 18 to recite that the housing is free of a mixing chamber for the sole purpose of expediting prosecution. In contrast, Nohren (element 42 of FIG. 8), Kagan (element 16 of FIGs. 1-3), Sizelove (element 235 of FIG. 3) and Corder all fail to teach that the housing is free of a mixing chamber.

Third, Applicants have amended independent claims 1, 15 and 18 to incorporate dependent claim 10 for the sole purpose of expediting prosecution. In contrast, Nohren, Sizelove and Corder all fail to disclose a first consumer control, whereby a consumer can regulate an amount of the first enhancement that is dispensed into the outlet.

Since all four references fail to teach that the first enhancement module is outside the housing adjacent the outlet and that the housing is free of a mixing chamber, and Nohren, Sizelove and Corder also fail to teach a consumer control and these are elements of Applicant's invention, Nohren, Kagan, Sizelove and Corder all fail to teach all of the claimed elements of Applicant's invention. Therefore, a *prima facie* case obviousness rejection cannot be maintained.

(2) There is no suggestion or motivation to modify teachings of the reference

As discussed and supported above, Nohren, Kagan, Sizelove and Corder all fail to suggest, implicitly or explicitly in the figures or in the specification, that the first enhancement module is outside the housing adjacent the outlet. Additionally, Nohren, Kagan, Sizelove and Corder all fail to suggest, implicitly or explicitly in the figures or in the specification, that the housing is free of a mixing chamber.

Moreover, Applicants assert that Nohren, Kagan, Sizelove and Corder teach away from Applicants' invention. Nohren teaches away from Applicants' invention as presently claimed by disclosing that a) the first enhancement module element 36 is in the housing, rather than outside the housing adjacent the outlet and b) the mixing chamber element 42 is in the housing whereas Applicants' invention does not even contain a mixing chamber in the housing. Kagan teaches away from Applicants' invention as presently claimed by disclosing that a) the first enhancement module element 26 is in the housing, rather than outside the housing adjacent the outlet and b) the lower reservoir 16 is disposed in the housing and acts like a mixing chamber whereas Applicants' invention does not even contain a mixing chamber in the housing. Sizelove teaches away from Applicants' invention as presently claimed by disclosing that a) the first enhancement module element 200 is in the housing, rather than outside the housing adjacent the outlet and b) the fluid collection chamber 235 is in the housing and acts like a mixing chamber whereas

Applicants' invention does not even contain a mixing chamber in the housing. Corder teaches away from Applicants' invention by failing to even disclose a first enhancement module.

Furthermore, Nohren, Sizelove and Corder all fail to suggest, implicitly or explicitly in the figures or in the specification, their device comprises a first consumer control, whereby a consumer can regulate an amount of the first enhancement that is dispensed into the outlet. Corder also fails to suggest, implicitly or explicitly, that its system even contains an enhancement module. Therefore, a *prima facie* case of obviousness cannot be maintained.

(3) Nohren, Kagan, Sizelove and Corder do not provide a reasonable expectation of success

Nohren, Kagan, Sizelove and Corder all fail to provide a reasonable expectation of success in performing Applicant's invention. As mentioned earlier, there is nothing in Nohren, Kagan, Sizelove and Corder that suggests, implicitly or explicitly in the figures or in the specification, that the first enhancement module is outside the housing adjacent the outlet. Furthermore, Nohren, Kagan, Sizelove and Corder also fail to suggest, implicitly or explicitly in the figures or in the specification, that the housing does not contain a mixing chamber. Moreover, Nohren, Sizelove and Corder also fail to suggest, implicitly or explicitly in the figures or in the specification, that the first consumer control, whereby a consumer can regulate an amount of the first enhancement that is dispensed into the outlet. In fact, Corder also fails to suggest, implicitly or explicitly, that its system even contains an enhancement module. Therefore, Nohren, Kagan, Sizelove and Corder offer no guidance to one of ordinary skill in the art regarding that the first enhancement module is outside the housing adjacent the outlet, the housing does not contain a mixing chamber, and the first consumer control, whereby a consumer can regulate an amount of the first enhancement that is dispensed into the outlet. Therefore, a *prima facie* case of obviousness rejection cannot be maintained.

Because Nohren, Kagan, Sizelove and Corder fail to teach all of the claimed elements, do not contain a suggestion or motivation to modify reference teachings and do not provide a reasonable expectation of success, a *prima facie* case of obviousness cannot be set forth. Thus, Applicants respectfully request withdrawal of the rejection.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the application is in condition for allowance. If, however, some issue remains which the Examiner feels may be addressed by Examiner's amendment, the Examiner is cordially invited to call the undersigned for authorization.

In view of the foregoing amendments and remarks, Applicants request entry of the amendments and reconsideration of the rejections. If some issue remains which the Examiner feels may be addressed by Examiner's amendment, the Examiner is cordially invited to call the undersigned for authorization.

Please charge any additional fees, including fees for additional extensions of time, or credit overpayment to Deposit Account No. 03 2270.

Respectfully submitted,

Date: March 4, 2008

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